

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2011 DEC 13 PM 4:06

AMARILLO DIVISION

DEPUTY CLERK EJB

LISA LIBERI, *et al.*,

PLAINTIFFS,

vs.

EDGAR HALE, CAREN HALE, PLAINS
RADIO NETWORK, BAR H FARMS, and
KPRN A.M. 1610, *et al.*,

DEFENDANTS.

CIVIL ACTION CAUSE NUMBER

2:11-CV-090-J

ORDER REFERRING CASE TO NON-BINDING MEDIATION

This case is hereby referred to non-binding mediation. It is the order of the Court that on or before **December 30, 2011**, the parties in this case tender to the Clerk of the Court, a written document indicating the name of the mediator chosen by the parties and an agreed time, date and place for mediation. If the parties are unable to agree on a mediator or a time, date or place for mediation on or before this date, the parties are to each submit on or before this date a list of three (3) persons who are acceptable for service as mediator in this action. The Court will then appoint a mediator to settle this case and/or will set a date, time or place for mediation, as necessary.

The parties shall meet prior to mediation for the purposes of settling this case and, after this meeting, tender to the Clerk of the Court for filing on or before **December 30, 2011**, a joint settlement conference status report.

The parties shall provide the mediator with a concise summary of the claims and defenses of each party, as well as a list of any additional matters which they or the mediator feel would aid in settlement of this case. These are to be given to the mediator at least **three (3) business days** prior to the start of mediation.

Counsel for all parties in this action shall attend each mediation conference in person. **In addition to counsel**, at least one person with **final** settlement authority for **each** party shall

attend each mediation conference **in person**. In addition, **all** other persons necessary to negotiate a settlement, including insurance carriers, must attend all mediation session(s). It is **not** acceptable for any such person to participate by conference telephone. It is the responsibility of counsel for each party to inform any insurance carriers and self-insured parties of this Order.

Upon completion of mediation, the mediator shall inform the Court whether this case has or has not settled by filing a mediation summary report with the Clerk of the Court on or before **three (3) business days** after the completion of mediation. A mediation summary report form is available from the Clerk of the Court, and shall be used by the mediator. It shall be the responsibility of counsel of record to provide the mediator with a copy of this Order so that he or she may comply with this requirement.

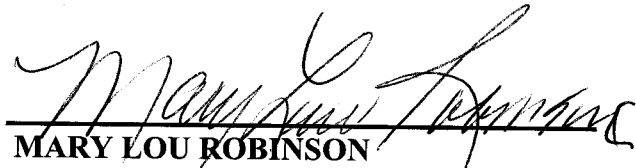
The parties to this action shall convene a mediation conference on all claims and/or counter-claims, such conference and all subsequent conferences to be completed on or before **January 31, 2012**.

This mediation process shall be private, confidential and privileged from process and discovery, unless otherwise ordered by the Court. The mediator shall not be a witness in this action, nor may his or her records be subpoenaed or used as evidence without the express permission of the Court. No subpoenas, citations, writs, or other process shall be served at the location of any mediation session(s) upon any person or persons entering, leaving or attending any session.

The fees for mediation are to be divided and borne equally by the parties unless agreed otherwise, shall be paid by the parties directly to the mediator, and shall be taxed as costs.

It is SO ORDERED.

Signed this the 13th day of December, 2011.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE